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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,297	12/21/2000	Miroslav Boublik	517-000120US	2624

22798 7590 12/24/2003

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EXAMINER
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THEIN, MARIA TERESA T

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 12/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/747,297

Applicant(s)

BOUBLIK ET AL.

Examiner

Marissa Thein

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 12-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-11, drawn to collecting usage information between buyers and sellers on a network, classified in class 705, subclass 26.
- II. Claims 12-18, drawn to automating an order, classified in class 705, subclass 26.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as automating order for an item. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

During a telephone conversation with Mr. Stephen LeBlanc on November 24, 2003 a provisional election was made without traverse to prosecute the invention of I, claims 1-11. Affirmation of this election must be made by applicant in replying to this Office action. Claims 12-19 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

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***Drawings***

The drawings are objected to because Figures 2 and 6 contain improper shading, which may affect clarity when reproduced. In addition, Figure 7B is missing.

Applicant is required to submit a formal correction of the noted defect. Applicant is required to submit drawing corrections promptly. Drawing objections may no longer be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 4 recites the limitation "at said aggregator" in page 13, line 15. There is insufficient antecedent basis for this limitation in the claim. Furthermore, claim 4 recites the limitations "said user" in page 13, line 16. There are insufficient antecedent basis for these limitations in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1, 4, 6-11 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,592,378 to Cameron et al.**

Regarding claim 1, Cameron discloses a method for collecting usage information between buyers and sellers on a network:

- detecting an ordering by a buyer (see at least col. 8, lines 32-38; col. 13, lines 43-55);
- activating a buyer-logic module to perform a buyer desired action, wherein said buyer desired action comprises capturing of order data (see at least col. 8, lines 32-46; col. 13, lines 43-55); and
- forwarding the order data to a server (see at least col. 5, lines 3-8; col. 7, lines 41-48; col. 13, lines 43-55).

Regarding claim 4, Cameron discloses collecting ordering data for a particular buyer at the aggregator (see at least col. 8, lines 32-57); and downloading data to the user for a range of dates when requested by the user (see at least col. 14, lines 14-25).

Regarding claims 6-11, Cameron discloses saving at least two documents each containing some of the order data and the method further comprising parsing from each of the at least two documents information corresponding to some of the order data to capture the order data; determining whether one of the at least two documents information comprises a start page and a stop page; determining whether an identifier for one of the at least two documents is substantially the same as a predetermined start page identifier and determining whether an identifier for one of the least two documents is substantially the same as a predetermined stop page identifier; determining whether an identifier for one of the least two documents is substantially the same as a predetermined start page identifier and whether information contained in the one

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document is substantially the same as predetermined start page information; and for each of the at least two documents selecting information on the document based upon a predetermined position of the information in the document with respect to other predetermined information to be selected. (See at least col. 13, lines 43-67; col. 14 lines 1-67).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cameron et al. in view of U.S. Patent No. 5,842,185 to Chancey et al.**

Cameron substantially discloses the claimed invention, however, it does not disclose the capturing of order data and translating for input into a financial application, and wherein the financial application is buyer selected. Cameron discloses the customer's profile which includes a textual and/or graphical representation of the customer's purchasing history (col. 9, lines 46-52). Chancey, on the other hand, teaches the capturing of order data and translating for input into a financial application, and wherein the financial application is buyer selected (see at least col. 2, lines 4-27; col. 4, lines 22-41). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Cameron, to include the financial

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application, as taught by Chancey, in order to automate the entry of transactions into a financial account stored in a computer (Chancey col. 1, line 67 – col. 2, line 3).

Furthermore, it provides a method of electronically tracking financial transaction in a fast and accurate manner (Chance col. 2, lines 40-42).

**Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cameron et al. in view of U.S. Patent No. 6,341,310 to Leshem et al.** Cameron substantially disclose the claimed invention, however, it does not disclose a plug-in application capable of running in cooperation with a standard browser. Cameron discloses a TCP/IP network protocol (col. 5, lines 9-15). Leshem, on the other hand, teaches the plug-in, as recited in the claims (see at least abstract; col. 2, line 62 – col. 3, line 15). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Cameron, to include the plug-in, as taught by Leshem, in order to facilitate the management and analysis of web sites (Leshem col. 2, lines 1-2).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 5,649,115 to Schrader et al. discloses a method for tracking personal and business information specifically to computer software and hardware optimized for easy use in tracking information.

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U.S. Patent No. 5,920,848 to Schutzer et al. discloses computerized intelligent agents to facilitate the integration of on-line performance of financial transactions across multiple accounts.

U.S. Patent No. 6,125,352 to Franklin et al. discloses a system and method for conducting commerce over a distributed network manage merchant and product information in an electronic shopping basket, payment source information in an electronic wallet, and shipping address.

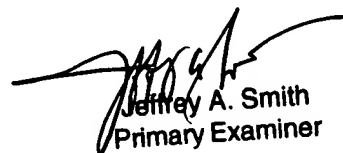
U.S. Patent No. 6,446,048 to Wells et al. discloses the storing of financial information received from mobile users and providing that information back to the users so that it can be integrated into the users' personal financial software.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa Thein whose telephone number is 703-305-5246. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Smith can be reached on 703-308-3588. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Mtot  
November 30, 2003

  
Jeffrey A. Smith  
Primary Examiner